

East Longmeadow Conservation Commission

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Craig Jernstrom, chair

Michael Carabetta, vice chair

Thomas O'Brien, clerk

René Reich-Graefe

William Arment

Robert Sheets

Anthony Zampiceni

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Present were: Chair, Craig Jernstrom; Clerk, Thomas O'Brien, Michael Carabetta, Robert Sheets, William Arment and Anthony Zampiceni. René Reich-Graefe was not present.

Public Hearing Amended Order of Conditions – Capri Drive, Lot 8 (Bella Vista Estates) DEP#150-383

Chair, Craig Jernstrom opened the public hearing for Capri Drive, Lot 8. Clerk, Thomas O'Brien read the legal notice into the record.

Mr. Jernstrom asked the representative to explain to the Commission what they would like to do.

Present were Pete Levesque, Wetland Consultants and Jason Pecoy, Developer.

Mr. Levesque said an Order of Conditions was issued in May 2010 for Bella Vista Estates for a 30 lot subdivision and Capri Drive is one of the streets in that subdivision. He said it originally was a 43 acre piece of land most of which northeast utilities owned and the parcel is on the west side of Prospect Street and south of Autumn Ridge. Mr. Levesque said when the wetland systems were identified they consisted of bordering vegetated wetland, isolated wetland and bank. He said in the Notice of Intent they were going to try and maintain generally a 50 foot no disturb zone from the wetland with some exceptions. Mr. Levesque said that the permit was issued in 2010 expired in 2013 but under the Mass Extension Permit Act is was extended to 2017. He said the delineations for and the Order of Conditions are still current and no site visit was necessary. Mr. Levesque said that lot 8 is just over an acre and relatively level however that slopes a little to the south. There are wetlands to the south and to the west of it. He said that the 100 foot buffer zone encompasses the whole building envelope and the 50 foot buffer also chokes it down. Mr. Levesque said that they are proposing a variable undisturbed buffer in order to fit a home there that will be proportionate with the other homes in the subdivision and to the client's specifications. He said that it will range between 25 and 50 feet and the closet point to the limit of work line will be 25 feet from the wetland and the furthest will be 50 feet. Mr. Levesque said within the 50 foot buffer will be a patio and at the closet point the patio will be 35 feet to the wetland. He said 200 square feet of the driveway will be within the 50 foot buffer and the closest point to the wetland from the driveway will be 45 feet. Mr. Levesque said that the remainder of the area inside the yellow line shown on the plan will be lawn and at the closet point the lawn will be 25 feet from the wetland. Mr. Levesque said that they are doing that there to fit the home and so that they can have a reasonable backyard that is livable and then they

don't have to come back to the Commission to put their patio in. He said that permanent monumentation will be installed and is represented on the plan by the black blocks. Mr. Levesque said that he or Mr. Pecoy would be happy to answer any questions the Commission might have.

Mr. Jernstrom addressed the Commission for any questions.

Mr. Carabetta said he really doesn't see a problem with it and thinks it will go well with the neighborhood. He thinks it will have a negative impact and it will coincide with the neighbors and go along well with what is already there.

Mr. Jernstrom addressed the audience for any questions.

Melissa Walsh, 42 Capri Drive asked if the project will affect them in anyway.

Mr. Jernstrom said the 50 foot marker is going to be right in line with the one that is in the north corner of their backyard and continue straight and then cut back a little bit.

Christa Jordan, 39 Capri Drive said the patio and lawn are going to extend well past the 50 foot marker, correct.

Mr. Jernstrom said correct that it is going to move over and then it cuts back closer into the wetland as proposed.

Mr. Levesque said that it is the tightest lot in the subdivision relative to the wetland.

Mr. Jernstrom said because they are inside the 100 foot buffer zone which is an area that is subject to regulation in the wetlands protection act that it is one of the things that does not have to be allowed. He said in his opinion it is fairly generous to be allowing the 50 foot buffer throughout even though it moves in and out a little bit. Mr. Jernstrom said one thing that was mentioned is that it's the tightest lot in the subdivision and he is concerned with setting a precedence that they are going to want to move the buffer zone back to 25 feet in all of the other lots. He asked Mr. Levesque how many lots are in the buffer zone.

Mr. Levesque said that there are 13 lots in the 100 foot buffer zone jurisdiction. He said that it's policy that anyone of the people within the subdivision could go before the Commission with the same exact request if they so choose. Mr. Levesque said within the 100 foot buffer zone activity is allowed and the by-law originally was just siting a 50 foot buffer but never got promulgated so it is actually a regulation now. He said he thinks as long it is reasonable and the topography is relatively flat with a minimal chance for erosion in certain situations it can be done successfully providing protection to the wetlands as well.

Mr. O'Brien asked the square footage of the house. Mr. Levesque said that it is about 3,000 square feet.

Mr. Jernstrom said one of things he is concerned with is approaching further into the wetland would be chemical runoff from things such as fertilizers. He said there are a lot of activities that are permitted in the buffer zone and they can grant special permission. Mr. Jernstrom said in the regulations one of the things it states is planting of native species, trees, shrubs or ground cover but

excluding turf lawns. He said having the turf lawn with the potential for chemical runoff and that sort of thing can have a detrimental impact on the wetland over a period of time and especially if they keep adding more and more units where they push the buffer zone back. Mr. Jernstrom addressed the Commission for any further questions. There being none and upon motion duly made by Michael Carabetta and seconded by William Arment the Commission voted unanimously (6-0) to close the public hearing. Upon motion duly made by Michael Carabetta and seconded by Robert Sheets, the Commission voted (5-1) to amend the Order of Conditions for Capri Drive, Lot 8 (Bella Vista Estates) DEP file #150-383.

Bay Path isolated wetland replication update

Mr. Jernstrom said a letter was sent to Bay Path with regard to the replication for their project because as he drove by the site he noticed that there wasn't anywhere near the amount of plantings done that were proposed. He said that Rob Leveque of R Levesque Associates came in to talk with Commission at the June 10th meeting and said that they will be raising the replication area up about a foot or so. Mr. Jernstrom said that they were filling in the pond a little bit because the water was running down too much and lastly they will proceed with the plantings so that they can receive a Certificate of Compliance. Mr. O'Brien read Mr. Levesque's letter into the record.

Upon motion duly made by Robert Sheets and seconded by Michael Carabetta, the Commission voted unanimously (6-0) to accept the alteration to the wetland replication area for Bay Path College located at 1 Denslow Road.

OPDMD Regulations

Mr. Jernstrom asked Ms. Rau if she had an update with regard to the OPDMD Regulations.

Ms. Rau said that currently there is nothing under the general by-laws but it can be changed at town meeting with a warrant if they want to go that way. She said that Ms. Macdonald hasn't has the time to review them and that they would need to create rules & regulations for the use on conservation land and trail ethics for use on conservation land.

Mr. Jernstrom said that he was under the impression that they didn't need to go that way and will touch base with Ms. Macdonald.

Letter regarding dumping of grass clippings

Mr. Jernstrom said during the recent site visit at 169 Westwood Avenue he & Mr. Zampiceni observed dumping of grass clippings on abutting properties on Smith Avenue. He asked Ms. Rau to prepare a letter with regard to the violation so the Commission could review it and vote on it. Mr. Jernstrom said that there were two parcels that looked as though they were doing the dumping and felt instead of sending enforcements that a letter would be a better way to go. He said after reviewing the letter he feels that 14 days to remove the clippings is more reasonable than 7 days. Mr. Jernstrom asked the Commission for their thoughts on the letter.

Mr. Arment asked if the letter would a standard letter sent out to all violators? Mr. Jernstrom said if the violation was the same then yes it would.

After further discussion the Commission agreed that 14 days is an appropriate amount of time for someone to clean up any clippings they have dumped.

Mr. Zampiceni asked Mr. Jernstrom after the 14 days will the Commission have to go back to do a follow up site visit. Mr. Jernstrom said that they have been asked to contact the office when they have completed removing the clippings so they can close their file on the matter. He said if they feel they that wanted to discuss the matter with the Commission that they are more than welcome to attend one of our meetings.

Upon motion duly made by William Arment and seconded by Michael Carabetta, the Commission voted (5-1) to allow violators to remove grass clippings within 14 days instead of 7 days.

Tennessee Gas Pipeline

Tennessee Pipeline sent the Commission a courtesy letter informing them of repair & maintenance work that is going to be done on Somers Road.

Charter Commission

Mr. Jernstrom told the Commission that the Charter Commission is supposed to be coming to speak with the Commission and asked if any of them had any questions for them. Mr. Carabetta said that they have gone before the Planning Board and they want to propose a change in government at the next town meeting. He said that he knows they basically want to talk everybody and anybody involved with the town politics. Mr. Jernstrom said one thing he is concerned with is how long it takes to get people appointed to the Commission. Mr. Carabetta said that the Planning Board raised some concerns also and they are trying to find the perfect government to solve all of the problems. He said that they are finding out what works and what doesn't work and the general consensus currently is the huge lack of communication between Boards and Department Heads and that things aren't running nearly as smoothly as they should be. Mr. Jernstrom said that he doesn't know if the Commission has that too much and to the best of his knowledge the last time something fell through the cracks was a permit issued from the building department for a garage on Pease Road that should have come to the Commission first but didn't. He said that he could almost see how it happened because the garage is further away from the river than the house was. Mr. Jernstrom said to the best of his knowledge that was the only time that it really happened and asked the Commission to think about anything they might want to talk about with them.

Wetland Extension Act

Mr. Jernstrom said the he sent all of them an email with regard to the Extension Act that applied to Bella Vista Estates and asked if any of them had a chance to look at it. He said if they hadn't had a chance he thinks they should take a couple of minutes to review because it applies to a lot of projects.

Discussion re: Forest Cutting Plan – Elm Street

Mr. Jernstrom said that he would like to discuss the forest cutting plan submitted by Tom O'Brien, Rocky Mountain Wood Company.

Mr. O'Brien recused himself from the discussion.

Mr. Jernstrom said that this was one of items that he was thinking about for the Charter Commission because the Commission has 10 days to respond to a forest cutting plan. He said that it is something that can easily happen between a meeting day for the Commission and said that he spoke with Doug Hutchison, State Forester about it and said most of time he receives no comments from Conservation Commissions. He said that Mr. Hutchinson said even if the comments are why are they cutting so many the trees down or what is the purpose of cutting those trees down. Mr. Jernstrom said in talking with other authorities they suggested one thing the Commission wants to make sure is that they are not doing a lot of cutting for a future development of house or subdivisions to go into the area. He said that in most areas it appears that there is somewhere around 75% of cutting of the trees and in the wetland 50% of the trees are being cut. Mr. Jernstrom said that on the form long term forest management or short term harvest was not checked off and is not sure which one applies.

Mr. O'Brien said that it is long term and that he has already received approval from the state.

Mr. Jernstrom said in looking at this particular cutting plan aside from it not being signed most importantly long term or short term was not checked off and in the future if they receive forest cutting plans such as this one he feels that it would have to go back.

Mr. O'Brien said that the original is sent to the state and there are signatures and whichever applies long term or short term is checked off. He said that the ultimate decision is up to the State Forester and in speaking with Mr. Hutchinson last week he said that he a long conversation with Mr. Jernstrom and answered all of his questions. He said that it is strictly a 10 day comment period and abutters within 200 feet of the cutting area are notified as well.

Mr. Jernstrom said he is not sure if the Commission has any jurisdiction and his comment would be they are curious to why 50% of the trees are being cut down in the wetland. Mr. O'Brien said that is the maximum amount allowed and it is 100% combined. He said that they probably could have gone higher on the percentage in the areas exclusive for wetland. Mr. Jernstrom said one thing they need to make sure is that it is not being for a prelude to a subdivision.

There being no further discussion and upon motion duly made by Thomas O'Brien and seconded by Robert sheets, the Commission voted to adjourn at 8:00 p.m.

For the Commission,

Thomas O'Brien, Clerk